IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 21782 of 2007(R)

PETITIONERS:

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1. RAJEEV P.M., S/O. MANIYAN,
   GEETHA NIVAS, UDAYANAPURAM P.O., VAIKOM,
   DIST. KOTTAYAM. (REGD. OWNER - KL-5/T-2273).

2. GIREESH, S/O. NARAYANAN,
   MAVELITHARA, UDAYANAPURAM P.O., VAIKOM,
   DIST. KOTTAYAM. (AGREEMENT OWNER - KL-16/A-3547).

3. AJIMON G., S/O. GOPALAN,
   KAJILODATHU, UDAYANAPURAM P.O., VAIKOM,
   DIST. KOTTAYAM. (REGD. OWNER - KL-8/Y-6423).

4. V.P. VIJAYAN, S/O. PAPPAN,
   NIPIN NIVAS, KATTIKUNNU, CHEMPU P.O., VAIKOM,
   DIST. KOTTAYAM. (REGD. OWNER - KL-5/U-6246 &
   AGREEMENT OWNER KL-4/J-9070).

5. BABU D., S/O. DAMODARAN,
   KEETTUMURIYIL, CHEMMANATHUKARA P.O., VAIKOM,
   DIST. KOTTAYAM. (AGREEMENT OWNER - KL-5/R-812).

6. P.V. ASHOKAN, S/O. KUNJUVELAYUDHAN,
   PUTHUKKADU, SOUTH PARAVOOR P.O., ERNAKULAM.
   (REGD. OWNER - KL-39/3066).

7. SANIL KUMAR, S/O. SANKARANKUTTY,
   VADAKKEPURACKAL, KATTIKUNNU, CHEMPU P.O., VAIKOM,
   KOTTAYAM. (REGD. OWNER - KL-39/5840 & AGREEMENT
   OWNER KL-4/W-4050).

8. SHINE T.,
   SHINE NIVAS, ENATHI P.O., VAIKOM, DIST.KOTTAYAM.
   (AGREEMENT OWNER - KL-5/M-6924).

9. SHEENA RAJAN,
   THEKKEDATHU VEEDU, UDAYAMPEROOR, DIST.ERNAKULAM.
   (REGD. OWNER - KL-39/5829).

10. SHAJI S.K., S/O. SREENIVASAN,
KOCHUTHADATHIL, MARAVANTHURUTHU P.O., VAIKOM,
DIST. KOTTAYAM. (REGD. ONWER - KL-36/4046).

11. RAJESH K.B., S/O. BHASKARAN,
KRISHNA VILASAM, MARAVANTHURUTHU P.O., VAIKOM,
DIST. KOTTAYAM. (REGD. OWNER - KL-36/4640).

12. VINOD T.C., S/O. CHANDRAN,
THOTTAMKANDATHIL, MARAVANTHURUTHU P.O.,
DIST. KOTTAYAM. (REGD. OWNER - KL-36/4676).

13. DIBU, S/O. SALIMKUMAR,
ANANDA BHAVAN, KATTIKUNNU, CHEMPU P.O.,
VAIKOM, DIST. KOTTAYAM. (REGD. OWNER - KL-36/1707)

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:
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1. THE GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY, KOTTAYAM.

2. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, ERNAKULAM.

3. THE CITY POLICE COMMISSIONER,
ERNAKULAM CITY, ERNAKULAM.

4. THE SUPERINTENDENT OF POLICE,
ERNAKULAM RURAL, ALWAYE, ERNAKULAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 21782 OF 2007 - R

Dated this the 27th day of July, 2007

J U D G M E N T

The petitioners allege that the vehicles carrying sand covered by valid permits and passes are being intercepted by the respondents and they are harassing the petitioners, unjustifiably. The petitioners therefore seek the following reliefs:-

> "i. Issue a writ of mandamus commanding respondents 2 to 4 to enable and facilitate the discharge of statutory functions by the 1st respondent for enforcement of Minor Mineral Concession Rules 1967;
>
> ii. Issue a writ prohibiting the respondents 2 to 4 and others working under them from seizing the vehicles of the petitioners and apprehending the same during the course of transport of sand from Vaikom to Ernakulam under the transport passes like Ext.P1 series issued by 1st respondent.
>
> (iii) Issue any other appropriate writ deemed fit and proper in the circumstances of the case;
>
> (iv) Award cost of the petition."

2. The learned Government Pleader, on instructions, submits that there is absolutely no harassment on the part of the respondents. According to

him, certain vehicles transporting sand are accompanied by passes in which there are blank spaces, which are filled up by the drivers, immediately, on apprehension of seizure of the vehicle. Those spaces, according to the learned Government Pleader, are filled up in a different handwriting from that in the passes and only such vehicles are being intercepted by the respondents and no other kind of illegal interception is being made. This is recorded and the writ petition is closed.

sd/-

S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007